

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Accordingly, it would be appropriate for the Court to permit T-Mobile to amend its Motion to Dismiss to address the threshold issue of standing.

Moreover, this Court has a duty to assess its own jurisdiction as early in the litigation as possible. *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. Feb. 22, 1999) (“[A] court should inquire into whether it has subject matter jurisdiction at the earliest possible stage in the proceedings.”); *Martin v. Automobili Lamborghini Exclusive, Inc.*, 307 F.3d 1332, 1335 (11th Cir. Sep. 30, 2002) (“A district court possesses inherent authority to control its proceedings.”); *see also Braden v. Wyeth*, No. 04-PT-0235-E, 2004 U.S. Dist. LEXIS 28734, at *58-59 (N.D. Ala. Apr. 5, 2004) (“Because this Court sits in the 11th Circuit, it is under a duty to examine its own jurisdiction prior to undertaking any formal action.”). The Federal Rules of Civil Procedure are to “be construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. Because *Salcedo v. Hanna*, No. 17-14077, 2019 U.S. App. LEXIS 25967 (11th Cir. Aug. 28, 2019) compels the dismissal of Plaintiff’s claim, this Motion to Amend is, therefore, consistent with the interests of judicial economy and efficiency as it prevents further litigation of a case that lacks Article III standing. Accordingly, T-Mobile’s Motion for Leave to Amend its Motion to Dismiss should be granted.

T-Mobile’s Memorandum in Support of its Proposed Amended Motion to Dismiss is attached hereto as **Exhibit A**. It is substantially similar to T-Mobile’s

original Memorandum in Support except for the addition of the standing argument and minor technical changes to accommodate the new argument.

For the reasons set forth herein, T-Mobile respectfully requests that the Court permit it to file its Amended Motion to Dismiss. A proposed order granting T-Mobile's Motion for Leave to Amend its Motion to Dismiss is attached hereto as **Exhibit B**.

DATED this 25th day of October, 2019.

Respectfully submitted,

/s/ Derin B. Dickerson

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

Pursuant to L.R. 7.1D, the undersigned certifies that the foregoing **T-MOBILE USA, INC.’S MOTION FOR LEAVE TO AMEND MOTION TO DISMISS** and accompanying exhibits comply with the font and point selections permitted by L.R. 5.1(C). This document was prepared on a computer using the Times New Roman font (14 point).

/s/ Derin Dickerson

Derin B. Dickerson

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CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing on October 25, 2019 by filing a copy using the CM/ECF System, which constitutes service on all counsel having appeared as record.

/s/ Derin Dickerson

Derin B. Dickerson

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